

# Amendment to Statement of Licensing Policy in respect of Delegated Functions

## REPORT TO LICENSING COMMITTEE



<b>DATE</b>	<b>21<sup>st</sup> June 2023</b>
<b>PORTFOLIO</b>	<b>Community Services and Wellbeing</b>
<b>REPORT AUTHOR</b>	<b>Karen Davies</b>
<b>TEL NO</b>	
<b>EMAIL</b>	<a href="mailto:kdavies@burnley.gov.uk">kdavies@burnley.gov.uk</a>

### PURPOSE

1. To obtain a recommendation from Licensing Committee to Full Council endorsing the amendment of Appendix A of the Statement of Licensing Policy in respect of delegated functions under the Licensing Act 2003 (The Act).

### RECOMMENDATION

2. That Licensing Committee recommend Full Council to approve the amendments to Appendix A of the Council's Statement of Licensing Policy in line with Appendix 2 of this report.
3. That Full Council approve the amendments to Appendix A of the Council's Statement of Licensing Policy in line with Appendix 2 of this report.

### REASONS FOR RECOMMENDATION

4. To update delegations in line with statutory guidance issued under s182 of the Licensing Act 2003.

### SUMMARY OF KEY POINTS

5. Part 3 of the Council's Constitution points to Appendix A of the Statement of Licensing Policy as the reference for delegated functions under The Act. Over time changes to the legislation require new delegations to be established. Paragraph 14.71 of the statutory guidance recommends how those delegations are approached by the Licensing Authority.
6. The table at Appendix 1 outlines existing delegations, and at Appendix 2 the proposed delegations, which reflect the wording of the current statutory guidance, changes highlighted yellow.

## **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

7. None

## **POLICY IMPLICATIONS**

8. The Statement of Licensing Policy is a key policy document. Full Council approval is required to make changes to the Policy, and also required for amendments to the Council's Constitution.

## **DETAILS OF CONSULTATION**

9. Chair and Vice-Chair of Licensing Committee, Executive Member for Community Services and Wellbeing.

## **BACKGROUND PAPERS**

None

## **FURTHER INFORMATION**

**PLEASE CONTACT:** Karen Davies

**ALSO:** Lisa Tempest

**APPENDIX 1:****EXERCISE AND DELEGATION OF FUNCTIONS (Existing)**

The Authority will exercise and delegate functions in accordance with the following table.

<b>Decision</b>	<b>Licensing Committee</b>	<b>Licensing Sub-Committee</b>	<b>Officer</b>
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If relevant representation made	If no relevant representation made
Application for Provisional Statement		If relevant representation made	If no relevant representation made
Application to vary Premises Licence/ Club Premises Certificate		If relevant representation made	If no relevant representation made
Application to vary Designated premises supervisor		If a police objection	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of a premises licence		If a police objection	All other cases
Application for interim Authority		If a police objection	All other cases
Deciding an application for Premises licence review is irrelevant, repetitious, vexatious or frivolous			All cases
Application to Review Premises licence / club premises Certificate unless all parties agree unnecessary		All Cases	
Decision to object when a local authority is a consultee and not the relevant licensing authority		All cases	
Determination of an objection to a Temporary Event Notice		All cases	
Determination of a Minor Variation			All cases
Determination of a s20 Film Classification		All cases	
Licensing Authority to act as Responsible Authority			All cases
Disapplication of the s19 requirements to have a DPS in community premises			All cases

**APPENDIX 2:**

(Proposed Statement of Licensing Policy APPENDIX A)

**EXERCISE AND DELEGATION OF FUNCTIONS**

The Authority will exercise and delegate functions in accordance with the following table.

<b>Decision</b>	<b>Licensing Committee or Sub-Committee</b>	<b>Officer</b>
Application for personal licence	If a police or immigration enforcement objection	If no objection made
Application for personal licence with unspent convictions	If a police objection	If no objection made
Application for premises licence/club premises certificate	If relevant representation made	If no relevant representation made
Application for Provisional Statement	If relevant representation made	If no relevant representation made
Application to vary Premises Licence/ Club Premises Certificate	If relevant representation made	If no relevant representation made
Application to vary Designated premises supervisor	If a police objection	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for transfer of a premises licence	If a police objection	All other cases
Application for interim Authority	If a police objection	All other cases
Decision on whether a representation is irrelevant, , vexatious or frivolous etc		All cases
Application to Review Premises licence / club premises Certificate unless all parties agree unnecessary	All Cases	
Decision to object when a local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a Temporary Event Notice	All cases	
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of a Minor Variation		All cases
Determination of a s20 Film Classification	All cases	
Licensing Authority to act as Responsible Authority		All cases
Determination of an application to vary premises licence at community premises to include alternative licence condition	If police objection	All other cases